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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,974

03/25/2004

Jack E. Caveney

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11/30/2006

PANDUIT CORP.

LEGAL DEPARTMENT - TP12

17301 SOUTH RIDGELAND AVENUE

TINLEY PARK, IL 60477

EXAMINER

NGUYEN, KHIEM M

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,974

Applicant(s)

CAVENEY ET AL.

Examiner

Khiem Nguyen

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 17-28, 40-51, 63-67, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) 6-16, 29-39, 52-62, 90-93, 96 and 97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 17-28, 40-51, 63-67, 94 and 95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 6-16, 29-39, 52-62, 90-93, 96 and 97 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 94 and 95 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1049226A (EP' 226).

Regarding claim 94, EP' 226 (see figure 5) discloses a cable duct component 20a comprising a lever assembly 30a for coupling and uncoupling a cable duct section 10.

Regarding claim 95, EP' 226 (see figures 8-12) discloses a cable duct component comprising a lever assembly 20e for engaging and disengaging a barb 31e with an end of a cable duct section 12.

Claim Rejections - 35 USC § 103

2. Claims 1-5, 17-19, 22-28, 40-42, 45-51, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of EP' 226.

The APA cable duct couplers and cable duct fittings as being discussed on page 2 in the background of the instant application each disclose a barb assembly comprising a body and one or more barb arms extending from the body to bitingly engage an end of a cable duct section and to oppose removal of a cable duct section from the cable duct component. However, the above mentioned APA lacks a releasable lever assembly for applying a force to the barb and, responsive to the application of the force, for moving the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

Art Unit: 2839

EP' 226 (see figure 5) discloses a cable duct component 20a comprising a releasable lever assembly 30a for coupling and uncoupling a cable duct section 10 without the use of tools.

EP' 226 (see figures 8-12) discloses a cable duct component comprising a releasable lever assembly 20e for engaging and disengaging a barb 31e with an end of a cable duct section 12 without the use of tools.

Therefore, it would have been obvious for one of ordinary skill in the art to provide the APA cable duct's barb assembly with a releasable lever assembly for applying a force to the barb and, responsive to the application of the force, for moving the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

The use of a barb assembly with a releasable lever would facilitate the coupling and uncoupling of cable duct sections for the APA without requiring the use of tools as suggested by EP' 226.

3. Claims 20-21, 43-44, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of EP' 226 as applied to claims 1, 22, and 45 above, and further in view of Mano et al. (6,712,649).

The Admitted Prior Art (APA) in view of EP' 226 disclose the claimed cable duct couplers and cable duct fittings provided with a barb assembly having releasable lever assembly. However, said releasable lever assembly lacks a lever comprising a lever mount bearing surface and a barb bearing surface, the lever mount bearing surface adapted to act on the lever mount and the barb bearing surface adapted to act on the

barb; and wherein actuation of the lever causes the lever mount bearing surface to act on the lever mount and causes the barb bearing surface to act on the barb to apply a force to the barb and, responsive to the application of the force, to move the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

Mano et al. discloses a releasable lever assembly 39 comprising a lever mount bearing surface 39a and a barb bearing surface 43, the lever mount bearing surface adapted to act on the lever mount and the barb bearing surface adapted to act on the barb; and wherein actuation of the lever causes the lever mount bearing surface to act on the lever mount and causes the barb bearing surface to act on the barb to apply a force to the barb and, responsive to the application of the force, to move the barb and one or more barb arms from an unengaged position to an engaged position without the use of tools.

Therefore, it would have been obvious for one of ordinary skill in the art to provide the above mentioned features for the releasable lever assembly of the Admitted Prior Art (APA) in view of EP' 226 in view of the teachings of Mano et al.

A releasable lever assembly with the above mentioned features would provide for better actuation and retention forces for the barb assembly.

Response to Arguments

4. Applicant's arguments filed 9/05/06 have been fully considered but they are not persuasive. Regarding applicant's remarks that the lever assembly 30, of EP' 226 is used only to hold the connecting part 20 in position. However, it is should be noted that

since the lever assembly is an integral part of the connecting part 20, the connecting part 20 in combination with the lever 20 is readable on the claimed lever assembly.

Also note that the connecting part 20e as shown in figure 8 of EP' 226 is readable as a lever assembly since it is pivotable with respect to the end of the cable duct section. In response to applicant's arguments against the Mano reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem Nguyen whose telephone number is 571 272-2096. The examiner can normally be reached on Mon-Fri.

Art Unit: 2839

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khiem Nguyen
Khiem Nguyen
Primary Examiner
Art Unit 2839